

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**RAYFORD ALEXANDER
CALLOWAY,**

vs.

**HEALTH AND HUMAN SERVICES
COMMISSION.**

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CIVIL ACTION NO. 6:11-CV-502

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Presented for consideration is the Report and Recommendation of the Magistrate Judge (document #72), which contains her findings, conclusions, and recommendation for the disposition of this matter. The Report and Recommendation recommends granting the Defendant's Motion for Summary Judgment (document #59) under Fed.R.Civ.P. 56(a) and dismissing the Complaint. On August 8, 2013, after receiving two extensions of time, Plaintiff, proceeding *pro se*, submitted what is liberally construed as his written objections to the Report and Recommendation titled "Plaintiff's Objection to Defendants responds to Plaintiff's Motion to disqualify Amanda Cochran-McCall as representing the Defendants HHSC" (document #82). In the pleading, Plaintiff objects to the dismissal of his claims and to the Order (document #62) issued by the Magistrate Judge granting Defendant's Motion for Substituting Counsel (document #61).

Having made a *de novo* review of the written objections filed by Plaintiff, the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. The

Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

As to Plaintiff's motion seeking reconsideration for the Order issued by the Magistrate Judge, Plaintiff has not shown that reconsideration is warranted. Under 28 U.S.C. § 636(b)(1)(A) and the Local Rules of the Court for the Assignment of Duties to United States Magistrate Judges, Rule 4(A), a district judge may set aside all or part of a magistrate judge's order on a pretrial matter if it is shown that the magistrate judge's order is clearly erroneous or contrary to law. Having reviewed the pleadings, Plaintiff has not shown that any order issued by the Magistrate Judge is clearly erroneous or contrary to law.

In light of the foregoing, it is

ORDERED that the Defendant's Motion for Summary Judgment (document #59) is **GRANTED** and the Complaint is **DISMISSED** with prejudice.

It is further

ORDERED that Plaintiff's motion seeking reconsideration of the Order by the Magistrate Judge (document #82) is **DENIED** and Plaintiff's objection is **OVERRULED**. Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 29th day of August, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE